

**CITY OF ROCKVILLE PLANNING DIVISION  
STAFF REPORT**

February 20, 2003

**SUBJECT:**

Use Permit Application USE2002-00649 – Simmons Building Property

Applicant: Mr. Brian Kim  
51 Monroe Street  
Suite 1402  
Rockville, Maryland

Date Filed: August 29, 2002

Property Location: 706 Rockville Pike

**REQUEST:**

The applicant seeks Use Permit approval under the optional method of development in the Rockville Pike Commercial (RPC) Zone. Approval is sought for a 16,112 square foot mixed-use building. Office use is proposed for most of the building with retail occupying 3,760 square feet or seventy-five percent of the first floor.

**PREVIOUS RELATED ACTION:**

- Use Permit U-89-78 – For a 2,204 square foot addition to the building located near the rear of the property. Approved by staff on May 17, 1978.
- Use Permit Amendment to U-89-78 - For a 590 square foot addition to the building located at the rear of the property and for parking lot restriping. Approved by staff on July 1, 1980.
- Evaluation by the Historic District Commission for Historic Designation – At its meetings on January 15, 2002 and February 20, 2002, the Historic District Commission evaluated the property for historical, architectural or cultural significance. The Historic District Commission did not recommend designation since the structure met only one criterion for historical and cultural significance and that the condition of the structure was substantially altered.

**STAFF RECOMMENDATION:**

Approval, subject to the following:

1. Submission, for the approval of the Chief of Planning, of fifteen (15) copies of the site plan, revised according to Planning Commission Exhibit A.

2. Submission, for the approval of the Chief of Planning, of fifteen (15) copies of a coordinated detailed landscaping plan, revised as shown on Planning Commission Exhibit B.
3. Submission, for the approval of the City Forester, of five copies of a Forest Conservation Plan for the site in accordance with the Forest and Tree Preservation Ordinance. This plan should be coordinated with the landscape plan.
4. That bonds be posted and permits obtained from the Department of Public Works and the State Highway Administration, as necessary.
5. Submission, for the approval or processing by the Department of Public Works, of the following:
  - a. Detailed engineering plans and computations for sediment control, storm drain and stormwater management, water and sewer design (including connections to public systems.) (The City of Rockville will submit the water and sewer house connection application to MDSHA, after submittal by the site engineer.)
  - b. Submission of a sanitary sewer study.
  - c. Submission, for approval the City Attorney, of a stormwater maintenance/easement agreement, if necessary, to be recorded among the Land Records of Montgomery County, Maryland.
6. That any new transformers be placed underground, unless a waiver from the Planning Commission is granted.
7. Dedication of additional area along the Rockville Pike frontage to complete a thirty-foot wide service drive easement. Prior to recordation among the Land Records of Montgomery County, Maryland, the document must be submitted to the City Attorney for approval.
8. That the applicant obtain easements from the adjoining property owner for construction of the building along the property line and for maintenance.
9. Submission, for the approval of the City Attorney, of a sidewalk and landscaping maintenance easement for the portion of the sidewalk and berm located on private property.
10. Submission, for the approval of the City Attorney, of an agreement that allows the adjacent properties to complete the service drive connections, at such time as they redevelop.

11. That, prior to the issuance of a building permit, a monetary contribution of \$6,500 be made for the implementation of one bus shelter adjacent to site.
12. That the applicant shall provide a bike rack to accommodate 10 bicycles.
13. That all internal and external traffic control devices shall comply with the latest edition of the Manual on Uniform Traffic Control Devices. A signing and pavement-marking plan shall be submitted to the Department of Public Works for approval by the Chief of Traffic and Transportation.
14. That the new building meet all applicable handicap-accessibility requirements of the State of Maryland and the Americans with Disabilities Act of the Federal Government, as well as all construction and fire code requirements of the City of Rockville.
15. The applicant shall sign and return the approval letter prior to the release of any permits.

### **ANALYSIS:**

#### **Property Description:**

The property contains 31,585 square feet or .7251 acres of land and is located on the northern side of Rockville Pike near New Street and is a record lot that appears on a plat of subdivision as Lot 2 in Haymond's Addition to Rockville. Except for the road frontage, the site is completely bounded by the uses associated with the Century Ford automobile dealership. The property currently contains 8,758 square feet of improvements located within two buildings. The front building is commonly known as the Simmons building. The structure is made up of a late Victorian residence that was built in 1888-89, but is obscured in front by a two-story office/retail building. The rear portion of the house was also added on with what appears to be three additions. Portions of the original house can be seen on each side and the second story can be seen above these additions. The second building, located to the rear of the property, was approved in 1978 within subsequent additions being approved in 1980 and 1982.



**Development Proposal:**

The applicant proposes a complete redevelopment of the site. Instead of the two awkward and dated buildings on the site, a single 16,112 square foot mixed use building is proposed. Approximately seventy-five percent or 3,760 square feet of area will be devoted to retail sales on the first floor. The remainder of the first floor and all of the second and third floors will be devoted to office use. This mix of uses requires sixty parking spaces and sixty are provided within the plan.

The shape of the lot makes building placement difficult. The lot is trapezoidally shaped with side lot lines nearly parallel to each other. The front and rear lot lines are also nearly parallel to each other but are not perpendicular to the side lot lines. Therefore, in order to create drive aisles and parking areas that are square, the building was placed parallel to and on the side lot line. To meet the requirement that fifty percent of the structure be placed on the build-to line, the building was designed with a bow front.

**Conformance with the Zoning Ordinance and Rockville Pike Corridor Plan:**

The application has been submitted under the Optional Method of Development. Review of an application submitted under the Option Method of Development must include not only the requirements contained in the Zoning Ordinance but also compliance with the provisions and guidelines contained in the Rockville Pike Corridor Plan. The following lists the development requirements contained in the Rockville Pike Plan and staff comments related to each.

- ***Compliance with the Plan***

The proposed development plan complies with the Rockville Pike Plan. The Rockville Pike Streetscape is being implemented along the front of the property and features areas in front of the two adjacent properties where the sidewalk is transitioned to the existing sidewalk.

- ***Compliance with Access Management Plan***

The proposed driveway is in compliance.

- ***Screening/Landscaping as shown in the Plan. Pike Streetscape (Berm)***

This plan meets the screening and landscaping requirements of the Rockville Pike Plan and the Zoning Ordinance. The applicant has worked with staff to provide additional landscaping in the plaza area in front of the building as well as along the southern side lot line. The plan includes implementation of the berm along the front of the property. The property has approximately one hundred thirty feet of frontage, with twenty-five feet of the frontage taken up by the driveway. Placement of the berm is further complicated by the fact that the driveway is placed close to the right

or southern side property line and that there are existing trees within the right-of-way. The City Forester has looked at the trees in front of the property and agreed to their removal, subject to the State accepting the plan, to achieve full implementation of the berm. Further, the design includes full implementation of the berm in front of the property with the transitioning to the existing sidewalk being accomplished in front of the adjacent properties.

- ***Standard Traffic Methodology***

The Traffic and Transportation Division has reviewed the plan. A traffic study was not required because the traffic volume generated by a building this size is under the number of trips necessary to trigger a study.

- ***Rights of way/easements dedicated for improvements shown in the Plan***

No street dedication is required but an additional easement dedication area is necessary to complete a full width thirty-foot wide service drive easement on the property. A complete service drive does not exist on this block of Rockville Pike. When the properties occupied by Century Ford are someday redeveloped, the connection will be complete. For now, a section exists from First Street up to the Century Ford property. At this time, there is a significant grade change from in front of the Rockville Print and Graphics location to the Century Ford property. The site design of this property anticipates future connection of the service drive with appropriate grading.

- ***Building envelope as shown in Plan***

The building envelope is based on many factors but the main concerns are the height of the building in relationship to the setback, floor area ratio (FAR) and open space. The building, at thirty-six feet in height, exceeds the base zone height of thirty-five feet by one foot. The front of the building is placed along the Rockville Pike build-to line and the plan complies with the open space requirements. The proposal at 0.51 FAR does, however, exceed the base zone FAR of 0.35. As such, the application was filed under the Optional Method of Development provisions.

- ***Urban Design review process***

The application has been reviewed by the Urban Design Review Committee and found to be acceptable although not ideal. Ideally, this property could be joined with another property and a larger more cohesive development can be envisioned. That is not, however, the case. At 31,585 square feet of land the property qualifies for Optional Method application's requirement of 20,000 square feet. As can clearly be seen by this modest proposal, there is not really enough land within 20,000 or 30,000 square feet to achieve many amenities. Staff has, however, worked with the applicant to provide as much landscaping on the site and to implement the Rockville Pike Streetscape requirements (the berm.) Based on the above, it can be said that the proposed plan adequately meets the requirements of the Plan and gained acceptance although not overwhelming approval by the Urban Design Review Committee.

- ***Residential required at location and density recommended in the Plan***  
The Rockville Pike Plan identifies that the area immediately south of Dodge Street be developed with moderate intensity mixed use development. Within the Zoning Ordinance, mixed use is defined as any combination of office, commercial and multifamily residential. Due to the limited size of this property it would not be feasible to include residential on this site. Further, neither the Zoning Ordinance or the Rockville Pike Plan make any recommendation as to residential density in this area.
- ***Building Orientation and development as specified in the Plan***  
The Zoning Ordinance requires that at least fifty percent of the building facade be placed on the "Build-to Line" along Rockville Pike, which is located 75 feet from the property line or 135 feet from the centerline of Rockville Pike. Because the lot lines are not perpendicular to each other, it is not possible for a square building to achieve this requirement. As such, the building was design with a bow front that is meant to achieve this requirement.
- ***Section 25-710.27 (3) – Ground Floor Retail Requirement***  
Retail is required in not less than 75% of the ground floor any of any building located in the RPC Zone. Typically, lots less than 50,000 square feet are exempt from this requirement except when application is made under the Optional Method of Development. This proposal includes complies with the requirement that 75% of the ground floor be devoted to retail sales.

#### **Urban Design Review:**

The Urban Design Review Committee has reviewed the proposed development. While the response to the proposal is not overly enthusiastic, it recognizes that the parameters of this project are limited. The lot contains only 31,585 square feet and is oddly shaped. The Committee's suggestions included required full implementation of the berm at the time of development and additional landscaping on the site. The applicant has responded to this with a revised site plan that connects the abutting existing sidewalks in front of the adjacent properties. Transitioning the berm in front of the adjacent properties will allow for implementation of the berm along the entire frontage of this property. Additional landscaping was also placed in front of the building as well as along the southern side lot line.

#### **Conclusion and Recommendation:**

**The intent of the requirements of the Rockville Pike Corridor Area requirements are contained in Section 25-710.1 of the Zoning Ordinance. They are intended to:**

- 1) ***Protect existing residential areas and adjacent neighborhoods from encroachment of commercial land use, excessive traffic, unlawful noise and pollution.*** The property is surrounded by Rockville Pike and the uses associated with a car

dealership. Behind the car dealership are the railroad and Metro tracks. The office and retail uses associated with this project will have no impact upon any residential neighborhoods or adjacent neighborhoods

- 2) ***Foster an adequate supply of convenience retail activities to serve residents of the corridor and local neighborhoods.*** The retail uses allowed within the Rockville Pike Corridor are varied. With seventy-five percent or 3,760 square feet of retail on the first floor of the proposed building, adequate retail space should be retained in this area.
- 3) ***Encourage mixed use development opportunities to promote combined residential, retail, employment and entertainment centers within the area.*** This application includes a mix of office and retail but does not propose residential. The size, shape and location of the property limit the development potential. Because the property is surrounded by an automobile dealership, an application that included residential would probably not be the best development choice for this property.
- 4) ***Encourage medium to high density residential development within the area.*** While it is important to encourage residential in the area, it does not seem that this is the most appropriate site to meet this objective.
- 5) ***Encourage excellence in urban design and improvement in overall City appearance.***

The redevelopment of this property will certainly improve this small section of Rockville Pike. The current development on the site is an odd mix of buildings and additions. The proposal will bring a new building with landscaping and the Rockville Pike streetscape to this portion of Rockville Pike and produce a development that clearly improves the look of the site.

- 6) ***Encourage development that produces a desirable relationship between buildings and the pedestrian and vehicular circulation systems and between such development and adjacent land uses.***

This project places the building at the build-to line and promotes pedestrian and vehicular circulation systems with the implementation of the berm and the service drive.

- 7) ***Promote improved pedestrian and vehicular circulation and to integrate pedestrian and vehicular plans with development.***

Placement of the berm and sidewalk treatment in front of this property will improve pedestrian circulation with the completion of another section of the proposed streetscape. The plan includes a crosswalk across the service drive easement that connects the public sidewalk to the area in front of the building. The driveway onto the property has been located in compliance with the Rockville Pike Plan.

- 8) ***Implement a streetscape improvement program throughout the area by establishing specific standards for coordination of landscaping and street trees along public rights-of-way public pedestrian ways and buffers between dissimilar uses.***

As noted above, this plan completes another section of the streetscape envisioned for Rockville Pike. The acceptable design for the berm is a mix of City and State requirements. The improvements proposed with this application meet the requirements currently in place.

**9) *Promote the use of public and private transit facilities and pedestrian access thereto.***

The Metro station is approximately a half mile away. Both Ride-On and Metro buses run along Rockville Pike.

**10) *Promote efficient use of land.***

The plan includes retail and offices uses. Given that the property is surrounded on three sides by an automobile dealership and its associated uses, the uses proposed are as compatible with each other as can be expected.

**11) *Encourage quality of development and enhance the City's economic base.***

The proposed development will be a significant improvement over the existing development on the site. It should also raise the value of the property both in terms of prospective tenants and property value.

**12) *Ensure consistency of development throughout the area.***

The existing improvements on the property are dated and do not promote a customer friendly atmosphere. Redevelopment of this site will encourage a higher standard of development within the area.

In authorizing a development under the Optional Method of Development the Planning Commission must "determine that the proposed development is in substantial accordance with the Plan and with the intent and purpose of this article (Article XIV. Rockville Pike Corridor Area), and is compatible with adjacent existing and permitted uses and developments." The Planning Commission must consider the following in making a determination:

1. ***Traffic impact mitigation, open space and other environmental amenities;***
2. ***The relationship of the development to existing and proposed development in the area;***
3. ***Retention or replacement of existing convenience retail use on the property and the provision of new retail or residential uses.***

All of these considerations have already been addressed in this staff report, as has the concern for compatibility with adjacent existing and permitted uses.

The site plan has been checked for compliance with all requirements and guidelines contained in the Rockville Pike Corridor Plan and the Zoning Ordinance. All areas of concern have already been addressed or are indicated on Exhibit A. Staff considers the proposed development to be a much needed improvement to the current development on this site.

This plan implements all of the findings that must be made in order to approve development under the Optional Method of Development as well as development within the Rockville Pike Corridor. The staff, therefore, recommends approval of Use Permit USE2002-00649, subject to the conditions noted on pages one through three.

Attachments